

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

HAROLD V. PUTMAN
2628 Fireside Circle
Lexington, Kentucky 40513

Plaintiff

v.

JONATHAN W. DUDAS,
Director of the United States
Patent and Trademark Office
C/O Office of the Solicitor
Post Office Box 15667
Arlington, Virginia 22215

Defendant

CASE NUMBER 1:05CV01796

JUDGE: John Garrett Penn

DECK TYPE: Administrative Agency Review

DATE STAMP: 09/12/2005

**COMPLAINT FOR CIVIL ACTION TO OBTAIN PATENT
PURSUANT TO 35 U.S.C. § 145**

Plaintiff, Harold V. Putman, for his Complaint against the Director of the United States Patent and Trademark Office states as follows:

JURISDICTION AND VENUE

1. This action is brought pursuant to 35 U.S.C. § 145.
2. Venue is proper in the United States District Court for the District of Columbia pursuant to 35 U.S.C. § 145.

PARTIES

3. Plaintiff, Harold V. Putman ("Applicant"), is the inventor of the invention claimed in, and applicant for the patent sought by United States Patent Application Serial No. 09/233,249 ("the '249 Application"), entitled "Automated Transaction Machine and Method." Diebold, Incorporated, 5995 Mayfair Road, North Canton, Ohio 44720 is the assignee and owner of the '249 Application. Diebold, Incorporated is an Ohio corporation having its principal place of business in North Canton, Ohio.

4. Defendant, Jonathan W. Dudas, is a party in his official capacity as Director of the United States Patent and Trademark Office pursuant to 35 U.S.C. § 145.

THE ACTION

5. This is a civil action to obtain a patent pursuant to 35 U.S.C. § 145.

6. On July 25, 2005 the United States Patent and Trademark Office Board of Patent Appeals and Interferences entered a decision concerning the '249 Application in Appeal No. 2005-1683, an appeal under 35 U.S.C. § 134(a).

7. Applicant is dissatisfied with the decision of United States Patent and Trademark Office Board of Patent Appeals and Interferences in Appeal No. 2005-1683.

8. Applicant has not taken an appeal to the United States Court of Appeals for the Federal Circuit from the decision of the United States Patent and Trademark Office Board of Patent Appeals and Interferences in Appeal No. 2005-1683.

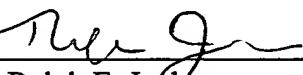
9. This Complaint for Civil Action to Obtain Patent was timely filed as it was filed within 60 days of the decision of the United States Patent and Trademark Office Board of Patent Appeals and Interferences.

10. On the facts and in compliance with the requirements of law, Applicant is entitled to receive a patent for the invention claimed in the '249 Application.

WHEREFORE, Plaintiff, Harold V. Putman, respectfully prays for the entry of judgment:

- A. That Plaintiff, Harold V. Putman, is entitled to receive a United States Patent, including all pending claims in United States Patent Application No. 09/233,249;
- B. Reversing the affirmance of the Examiner's rejection of certain claims in United States Patent Application No. 09/233,249 by the United States Patent and Trademark Office Board of Patent Appeals and Interferences;
- C. Directing Defendant, Jonathan W. Dudas, Director of the United States Patent and Trademark Office, to issue a United States Patent for the invention as claimed in United States Patent Application No. 09/233,249; and
- D. Granting such other relief as the Court shall deem just and proper.

WALKER & JOCKE

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